


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 2900 Presstman Street		

TO

Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE:

April 29, 2015

REQUEST

The Department of Planning has received Charles and Vernetta Dixon's Board of Municipal and Zoning Appeals (BMZA) application to use the basement portion of the premises as a grocery store. The Zoning Administrator has determined that this is a prohibited use in a R-6 Zoning District. We understand that this appeal is scheduled for hearing on May 5, 2015.

SITE

2900 Presstman Street is located on the northwest corner of the intersection with Poplar Grove Street. This property measures approximately 15' by 87' and is currently improved with a two-story end-of-row residential building measuring approximately 15' by 57'. This site is zoned R-6.

ANALYSIS

Use: In this zoning district, grocery stores are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a non-profit club or lodge, which is a conditional use in this R-6 General Residence District, and a multiple-family attached dwelling, which is a nonconforming use.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). The applicant should provide the Board with information concerning which portion of the premises has previously been used for nonconforming purposes, as there is no provision in the Zoning Code for conversion of a conditional use to a nonconforming use.

TransForm Baltimore: This property would become part of a R-6 District (Proposed Zoning Map Area 6-A) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal unless the applicant demonstrates that the portion of the premises proposed for use as a grocery store is the location of a continuing nonconforming use.

TJS/wya/mf

cc: Charles and Vernetta Dixon, Appellants

West